

REMARKS

By this Amendment, claims 1 and 6 have been amended. Claims 1-12 are pending in the application. Reconsideration of the Office Action is respectfully requested.

Objections to Disclosure

As suggested in the Office Action, the specification has been amended to change "Fig. 4" to "Fig. 4a"; "Fig. 4a" to "Fig. 4b"; "Fig. 6" to "Fig. 6a" and "Fig. 6a" to "Fig. 6b", to make the specification consistent with the drawings.

Also, the specification has been amended to update the status of the parent Application No. 09/269,507, now U.S. Patent No. 6,303,066 ("the '066 patent").

Withdrawal of the objections is respectfully requested.

Claim 1

Claim 1 has been amended to recite "wherein in the open positions said mould tools are mutually spaced from each other in an extension plane," as shown in the marked-up copy of amended claim 1 provided with the Preliminary Amendment that was filed on August 10, 2001.

Rejection Under 35 U.S.C. § 101

Claim 6 is rejected under 35 U.S.C. § 101 over claim 5 of the '066 patent. The rejection is respectfully traversed.

It is asserted in the Office Action that claim 6 is claiming the "same invention" as that of claim 5 of the '066 patent. As provided at MPEP § 804(II)(A), page 800-20

(May 2004 Rev.), the “same invention” means “an invention drawn to identical subject matter.” Claim 6 has been amended to depend from claim 1. As present claim 6 and claim 5 of the '066 patent do not recite identical subject matter, withdrawal of the rejection is respectfully requested.

Obviousness-type Double Patenting Rejection

Claims 1-5 and 7-12 are rejected under the doctrine of obviousness-type double patenting over claims of the '066 patent. The reasons for the rejection are stated on page 3 of the Office Action.

Applicants have provided a Terminal Disclaimer. The present application and the '066 patent are commonly assigned to Tetra Laval Holdings & Finance S.A., as evidenced by the Assignment recorded at Reel 010363/Frame 0090. Accordingly, this rejection has been obviated.

Therefore, withdrawal of the rejection is respectfully requested.

Conclusion

For the foregoing reasons, allowance of the application is respectfully requested. If there are any questions concerning this response, the Examiner is respectfully requested to telephone Applicants' undersigned representative at the number given below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: 

Edward A. Brown

Registration No. 35,033

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620